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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,907	03/19/2004	Yong Duck Kim	YHK-0133	6778
34610 7590 05/14/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
PERVAN, MICHAEL				
ART UNIT		PAPER NUMBER		
2629				
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05/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,907

Applicant(s)

KIM ET AL.

Examiner

Michael Pervan

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8,10,11,13-15,17,18,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 5,12 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/9/05 9/18/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: it recites "Average Pixel Value", but should instead read –Average Pixel Level–. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18 and 20-21 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's Admitted Prior Art (APA) (Fig. 3 of Kim (US 7,095,888 and its related text).

As to claims 1, 8 and 15, APA discloses, a method for calculating an Average Picture Value (APL) (APL, column 1, line 18), comprising:

applying a first weight to a red data (figure 1 (element 14));

applying a second weight to a green data (figure 1 (element 15));

applying a third weight to a blue data (figure 1 (element 16)); and

calculating the APL for the red, green and blue data with the applied weights (column 1, lines, 45-51 fig. 1 (element 18)), wherein the weights the first, the second

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and the third weights are determined depending on sizes of red, green and blue sub-pixels, respectively (column 1, lines, 63-67).

As to claims 3, 10 and 17, APA discloses, wherein each of the weights has different value in each red, green, blue data (weights multiplied with the red, green and blue color data are different, value change, column 2, lines, 30-34).

As to claims 4, 11 and 18, APA discloses, wherein the step of applying the weight includes:

 multiplying the first weight to the red data (multiplying unit 14 for multiplying summed red color data, see column 1, lines 39-41);

 multiplying the second weight to the green data (multiplying unit 15 for multiplying summed green color data, see column 1, lines 41-43); and

 multiplying the third weight to the blue data (multiplying unit 16 for multiplying summed blue color data, see column 1, lines 44-46).

As to claims 6, 13 and 20, APA discloses, wherein the weights are changeable (since the size of the pixels can be changed and the weight depends on the size of the pixels, the weights are therefore changeable, see column 1, line 63-column 2, line 5).

As to claims 7, 14 and 21, APA discloses wherein the weights are changeable (since the size of the pixels can be changed and the weight depends on the size of the pixels, the weights are therefore changeable, see column 1, line 63-column 2, line 5).

Allowable Subject Matter

4. Claims 5, 12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 5, 12 and 19 recite "wherein the APL includes: calculating a first APL for the red data, a second APL for the green data and a third APL for the blue data; adding the first APL, the second APL, and the third APL to produce a summation thereof, and calculating a mean value of the summation".

The prior art does not disclose the above limitation. However, Kim does disclose adding the weighted data, then calculating the APL.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-4, 6-8, 10-11, 13-15, 17-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Even though the Kim reference has been disqualified as a 102(e), the above rejection is relying upon the admitted prior art of Kim and not the inventive substance. Therefor the reference is still applicable and a rejection is provided.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571) 272-0910. The examiner can normally be reached on Monday - Friday between 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVP
May 9, 2008
/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629